

**CHAPTER 67**

**AN ACT** amending and supplementing the Fiscal Year 2009 annual appropriation act, P.L.2008, c.35, and amending P.L.2009, c.22.

**BE IT ENACTED** by the Senate and the General Assembly of the State of New Jersey:

1. The following items and language provisions in section 1 of P.L.2008, c.35, the fiscal year 2009 annual appropriation act, are amended to read as follows:

**22 DEPARTMENT OF COMMUNITY AFFAIRS**

*40 Community Development and Environmental Management*

*41 Community Development Management*

**DIRECT STATE SERVICES**

Notwithstanding the provisions of any law or regulation to the contrary, receipts appropriated from the Department of Community Affairs' code enforcement activities in excess of the amount anticipated and in excess of the amounts required to support the code enforcement activity for which they were collected may be transferred as necessary to cover shortfalls in other Department of Community Affairs' code enforcement accounts, subject to the approval of the Director of the Division of Budget and Accounting.

**46 DEPARTMENT OF HEALTH AND SENIOR SERVICES**

*20 Physical and Mental Health*

*22 Health Planning and Evaluation*

**GRANTS-IN-AID**

07-4270 Health Care Systems Analysis .....	\$104,462,000
Total Grants-in-Aid Appropriation,	<hr/>
Health Planning and Evaluation .....	\$104,462,000
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**Grants-in-Aid:**

07 Health Care Subsidy Fund Payments .....  
..... (\$104,462,000)

Notwithstanding the provisions of any law or regulation to the contrary, the appropriation for Health Care Subsidy Fund Payments shall be conditioned upon the following provisions: (1) in State Fiscal Year (SFY) 2009, Charity Care subsidies shall be calculated pursuant to section 3 of P.L.2004, c.113 (C.26:2H-18.59i ), except that: (2) in paragraph (1) of subsection b., source data used shall be from calendar year 2007 for Charity Care Claims data and total revenue, and for Acute Care Hospital Cost Report total revenue as defined by Form E4, Line 1, Column E data according to Department of Health and Senior Services (DHSS) advance submission request dated March 14, 2008, and source data used shall be from calendar year 2006 for Medicare Cost Report data; (3) for eligible hospitals that failed to submit Acute Care Hospital Cost Report total revenue as defined by Form E4, Line 1, Column E data according to DHSS advance submission request dated March 14, 2008, in paragraph (1) of subsection b. source data from calendar year 2006 shall be used for Charity Care Claims total revenue and for Acute Care Hospital Cost Report total revenue as defined by Form E4, Line 1, Column E; (4) each eligible hospital shall be assigned to one of three groups or tiers based on their initial RCCP as calculated in paragraph (1) of subsection b. with Tier 1 hospitals having an initial RCCP greater than 8%, Tier 2 hospitals having an initial RCCP less than Tier 1 and greater than 3.6% and Tier 3 hospitals having an initial RCCP less than Tier 2; (5) the hospital-specific subsidy initially calculated in accordance with subsections a. and b. for each eligible hospital shall be reduced by 5% for Tier 1 hospitals, 37% for Tier 2 hospitals and 100% for Tier 3 hospitals; (6) for each eligible hospital the difference shall be calculated between its initial calculated SFY 2009 charity care subsidy and its total SFY 2008 charity care allocation; (7) if an eligible hospital's initial calculated SFY 2009

charity care subsidy is more than its total State fiscal year 2008 amount and it has been assigned to Tier 1 or Tier 2, the hospital-specific subsidy calculation for each eligible hospital shall be its total State fiscal year 2008 amount plus 20% of the difference calculated above; (8) if an eligible hospital's initial calculated SFY 2009 charity care subsidy is less than its total SFY 2008 amount and it has been assigned to Tier 1 or Tier 2, the hospital-specific subsidy calculation for each eligible hospital shall be its total SFY 2008 amount minus 40% of the difference calculated above; (9) if an eligible hospital's initial calculated SFY 2009 charity care subsidy is more than its total SFY 2008 amount and it has been assigned to Tier 1 or Tier 2, an amount equal to 4% of the difference calculated above for each eligible hospital shall be assigned to a redistribution pool designated for Tier 1 hospitals; (10) if the hospital-specific SFY 2009 subsidy calculated thus far for an eligible hospital assigned to Tier 2 is calculated to be more than 50 percent of its documented charity care for calendar year 2007, the hospital-specific subsidy for each hospital shall be reduced to 50 percent of its documented charity care and the total amount reduced shall be assigned to a redistribution pool designated for Tier 1 hospitals; (11) if an eligible hospital's SFY 2009 subsidy calculated thus far is less than its total SFY 2008 amount and it has been assigned to Tier 1, that hospital shall participate in the redistribution pool designated for Tier 1 hospitals; (12) the total of all amounts assigned to the redistribution pool designated for Tier 1 hospitals shall be distributed to Tier 1 hospitals identified as participating in the redistribution pool; (13) the amount redistributed to each participating Tier 1 hospital shall be equal to the percentage calculated as the difference calculated above for that hospital divided by the total of all the differences calculated above for all Tier 1 hospitals participating in the redistribution pool, and multiplied by the total of all amounts assigned to the redistribution pool designated for Tier 1 hospitals; (14) the amount redistributed to each hospital identified as participating in the redistribution pool designated for Tier 1 shall be added to each hospital's hospital-specific subsidy calculation; (15) if the hospital-specific subsidy calculated thus far for an eligible hospital assigned to Tier 1 is calculated to be less than 60 percent of its documented charity care for calendar year 2007, the hospital-specific subsidy for each hospital shall be increased to 60 percent of its documented charity care; (16) if the hospital-specific subsidy calculated thus far for an eligible hospital assigned to Tier 1 is calculated to be more than 100 percent of its documented charity care for calendar year 2007, the hospital-specific subsidy for each hospital shall be reduced to 100 percent of its documented charity care; (17) if the hospital-specific subsidy calculated thus far for an eligible hospital assigned to Tier 3 is calculated to be less than 10 percent of its documented charity care for calendar year 2007, the hospital-specific subsidy for each hospital shall be increased to 10 percent of its documented charity care. The resulting number will constitute each eligible hospital's SFY 2009 Charity Care subsidy allocation. A proportionate reduction will be applied to all hospitals if necessary such that the SFY 2009 Charity Care subsidy allocation for all hospitals totaled shall not exceed \$605,000,000. Each eligible hospital's SFY 2009 Charity Care subsidy allocation, as calculated above, shall be reduced by one-twelfth so that total payments to the eligible hospitals equal no more than \$556,823,000.

Of the amount hereinabove appropriated for Health Care Subsidy Fund Payments, any amounts not allocated to a hospital-specific SFY 2009 Charity Care subsidy shall be assigned to the Health Care Stabilization Fund to be established within the Department of Health and Senior Services for the purpose of maintaining access to essential health care services in the community. The eligibility and participation requirements shall be developed by the Commissioner of the Department of Health and Senior Services and set forth in separate legislation. Combined funding for Charity Care and the Health Care Stabilization Fund shall not exceed \$600,823,000. The commissioner shall provide notice to the Joint Budget Oversight Committee of each distribution made from the Health Care Stabilization Fund within 5 business days of the distribution. Each facility that receives funding from the Health Care Stabilization Fund shall be subject to an audit by the State Comptroller to be initiated 12 months after the date of payment.

Department of Health and Senior Services,  
 Total State Appropriation ..... \$1,570,828,000

**82 DEPARTMENT OF THE TREASURY**  
**30 Educational, Cultural, and Intellectual Development**  
**36 Higher Educational Services**  
**GRANTS-IN-AID**

The unexpended balance at the end of the preceding fiscal year in the New Jersey Stem Cell Research Institute account is appropriated for the same purpose, subject to the approval of the Director of the Division of Budget and Accounting . Notwithstanding the provisions of any law or regulation to the contrary, of the amount so appropriated, there is appropriated \$1,750,000 for a grant to the New Jersey Economic Development Authority for payment of predevelopment costs as approved by the New Jersey Economic Development Authority in June, 2007, incurred in connection with the proposed stem cell research institute in New Brunswick as set forth in P.L.2006, c.102. The remaining amounts shall be expended subject to the approval of the State Treasurer in consultation with the New Jersey Commission on Science and Technology.

**30 Educational, Cultural, and Intellectual Development**  
**36 Higher Educational Services**  
**STATE AID**

48-2155 Aid to County Colleges .....	\$221,630,000
<i>(From General Fund .....</i>	<i>\$183,604,000)</i>
<i>(From Property Tax Relief Fund .....</i>	<i>38,026,000)</i>
Total State Aid Appropriation,	
Higher Educational Services .....	\$221,630,000
<i>(From General Fund .....</i>	<i>\$183,604,000)</i>
<i>(From Property Tax Relief Fund .....</i>	<i>38,026,000)</i>
<b>Less:</b>	
<b>Supplemental Workforce Fund -- Basic Skills .....</b>	<b>\$16,000,000</b>
<b>Total Income Deductions .....</b>	<b><u>\$16,000,000</u></b>
Total State Appropriation,	
Higher Educational Services .....	<u>\$205,630,000</u>
<i>(From General Fund .....</i>	<i>(\$167,604,000)</i>
<i>(From Property Tax Relief Fund .....</i>	<i>38,026,000)</i>

**State Aid:**

48 Operational Costs ..... (\$149,093,000)

**Less:**

**Income Deductions .....** **\$16,000,000**

In addition to the amount hereinabove appropriated for operational costs, there is appropriated \$16,000,000 from the Supplemental Workforce Fund for Basic Skills for the same purpose.

**50 Economic Planning, Development and Security**  
**51 Economic Planning and Development**  
**GRANTS-IN-AID**

There is appropriated from the Enterprise Zone Assistance Fund established pursuant to section 29 of P.L.1983, c.303 (C.52:27H-88) such sums as are necessary for administrative services provided

by the New Jersey Commerce Commission or any entity succeeding to the duties and functions of the New Jersey Commerce Commission, the Office of Economic Growth in accordance with the provisions of section 11 of P.L.1993, c.367 (C.52:27H-65.1) and the Department of Community Affairs, subject to the approval of the Director of the Division of Budget and Accounting, and in addition there may be transferred to the General Fund from the portion of the Enterprise Zone Assistance Fund designated for the costs of those administrative services pursuant to subsection g. of section 29 of P.L.1983, c.303 (C.52:27H-88), an amount not in excess of \$6,000,000, subject to the approval of the Director.

**70 Government Direction, Management, and Control**

**75 State Subsidies and Financial Aid**

**STATE AID**

The amounts hereinabove appropriated for the Highlands Protection Fund are payable from the receipts of the portion of the realty transfer fee directed to be credited to the Highlands Protection Fund and the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund accounts are appropriated, except that notwithstanding the provisions of any law or regulation to the contrary, from the unexpended balances at the end of the preceding fiscal year in the Highlands Protection Fund – Highlands Property Tax Stabilization Aid, \$8,000,000 shall be transferred to the Department of Law and Public Safety for the purpose of offsetting the cost of the provision of State Police protection to the inhabitants of rural sections pursuant to R.S.53:2-1, subject to the approval of the Director of the Division of Budget and Accounting. Further, the Department of the Treasury may transfer funds as necessary between the Highlands Protection Fund - Incentive Planning Aid account, the Highlands Protection Fund - Regional Master Plan Compliance Aid account, and the Highlands Protection Fund - Watershed Moratorium Offset Aid account, subject to the approval of the Director of the Division of Budget and Accounting.

Department of the Treasury,	
Total State Appropriation .....	\$3,215,651,000
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Total State Appropriation,	
All Funds .....	\$32,840,971,000
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(cf: P.L.2008, c.35, s.1)	

2. In addition to the amounts appropriated under P.L.2008, c.35, the fiscal year 2009 annual appropriation act, there are appropriated out of the General Fund the following sums for the purposes specified:

**42 DEPARTMENT OF ENVIRONMENTAL PROTECTION**

**40 Community Development and Environmental Management**

**42 Natural Resource Management**

**DIRECT STATE SERVICES**

13-4880 Hunters' and Anglers' License Fund .....	\$345,000
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Total Direct State Services Appropriation,	
Natural Resource Management .....	\$345,000
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**Direct State Services:**

Personal Services:

Salaries and Wages ..... (\$345,000)

Department of Environmental Protection,

Total State Appropriation ..... \$345,000

**46 DEPARTMENT OF HEALTH AND SENIOR SERVICES**

*20 Physical and Mental Health*

*22 Health Planning and Evaluation*

**GRANTS-IN-AID**

07-4270 Health Care Systems Analysis ..... \$1,500,000

Total Grants-in-Aid Appropriation,

Health Planning and Evaluation ..... \$1,500,000

**Grants-in-Aid:**

07 Health Care Subsidy Fund Payments ..... (\$1,500,000)

Department of Health and Senior Services,

Total State Appropriation ..... \$1,500,000

**66 DEPARTMENT OF LAW AND PUBLIC SAFETY**

*10 Public Safety and Criminal Justice*

*12 Law Enforcement*

**DIRECT STATE SERVICES**

06-1200 State Police Operations ..... \$9,596,000

Total Direct State Services Appropriation,

Law Enforcement ..... \$9,596,000

**Direct State Services:**

Personal Services:

Salaries and Wages ..... (\$9,596,000)

Department of Law and Public Safety,

Total State Appropriation ..... \$9,596,000

**74 DEPARTMENT OF STATE**

*30 Educational, Cultural, and Intellectual Development*

*37 Cultural and Intellectual Development Services*

**DIRECT STATE SERVICES**

06-2535 Museum Services ..... \$166,000

Total Direct State Services Appropriation,

Cultural and Intellectual Development Services ..... \$166,000

**Direct State Services:**

Services Other Than Personal ..... (\$166,000)

Department of State, Total State Appropriation ..... \$166,000

**82 DEPARTMENT OF THE TREASURY**  
*70 Government Direction, Management, and Control*  
*73 Financial Administration*  
**DIRECT STATE SERVICES**

19-2120 Management of State Investments .....	\$2,000,000
Total Direct State Services Appropriation,	
Financial Administration .....	\$2,000,000

**Direct State Services:**

Services Other Than Personal .....	(\$2,000,000)
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*80 Special Government Services*  
*82 Protection of Citizens' Rights*  
**DIRECT STATE SERVICES**

57-2021 Trial Services to Indigents and Special Programs .....	\$7,085,000
Total Direct State Services Appropriation,	
Protection of Citizens' Rights .....	\$7,085,000

**Direct State Services:**

Services Other Than Personal .....	(\$7,085,000)
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Department of the Treasury, Total State Appropriation .....	\$9,085,000
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**94 INTER-DEPARTMENTAL ACCOUNTS**  
*70 Government Direction, Management, and Control*  
*74 General Government Services*  
**CAPITAL CONSTRUCTION**

08-9450 Capital Projects — Statewide .....	\$76,000
Total Capital Construction Appropriation,	
General Government Services .....	\$76,000

**Capital Projects:**

    New Jersey Building Authority

        Debt Service — General State Projects:

08 Other State Projects .....	(\$76,000)
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Inter-Departmental Accounts, Total State Appropriation .....	\$76,000
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Total State Appropriation, General Fund .....	\$20,768,000
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Total State Appropriation, All Funds .....	\$20,768,000
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3. Section 4 of P.L.2009, c.22 is amended to read as follows:

4. Notwithstanding the provisions of section 5 and 6 of P.L.1990, c.44 (C.52:9H-18 and 52:9H-19) or any law or regulation to the contrary, the uncommitted balance in the Surplus Revenue Fund, including any interest earned during the current fiscal year, may be

transferred to the Property Tax Relief Fund as revenue to support appropriations in the Property Tax Relief Fund, subject to the approval of the Director of the Division of Budget and Accounting.

4. Section 3 of P.L.2009, c.22 is amended to read as follows:

3. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the debt defeasance account established pursuant to section 3 of P.L.2008, c.22 and various capital accounts established pursuant to section 4 of P.L.2008, c.22 in the Long Term Obligation and Capital Expenditure Fund to the Property Tax Relief Fund an amount not in excess of \$378,372,378, as revenue to support appropriations in the Property Tax Relief Fund, subject to the approval of the Director of the Division of Budget and Accounting.

5. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Temporary Disability Insurance Fund to the General Fund an amount not in excess of \$50,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

6. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Workforce Development Partnership Fund to the General Fund an amount not in excess of \$15,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

7. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the New Home Warranty Security Fund to the General Fund an amount not in excess of \$10,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

8. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Unemployment Compensation Auxiliary Fund to the General Fund an amount not in excess of \$3,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

9. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Enterprise Zone Assistance Fund, established pursuant to section 29 of P.L.1983, c.303 (C.52:27H-88), to the General Fund an amount not in excess of \$21,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

10. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the State Recycling Fund, established pursuant to section 5 of P.L.1981, c.278 (C.13:1E-96), to the General Fund an amount not in excess of \$7,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

11. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Emergency Services Fund, established pursuant to section 5 of P.L.1972, c.133 (C.52:14E-5), to the General Fund an amount not in excess of \$6,313,000, subject to the approval of the Director of the Division of Budget and Accounting.

12. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Body Armor Replacement fund, established pursuant to section 1 of P.L.1997, c.177 (C.52:17B-4.4), to the General Fund an amount not in excess of \$5,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

13. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Catastrophic Illness in Children Relief Fund, established pursuant to section 3 of P.L.1987, c.370 (C.26:2-150), to the General Fund an amount not in excess of \$5,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

14. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Emergency Medical Technician Training Fund, established pursuant to section 3 of P.L.1992, c.143 (C.26:2K-56), to the General Fund an amount not in excess of \$4,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

15. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Unclaimed County Deposits Trust Fund, established pursuant to R.S.46:30B-74, to the General Fund an amount not in excess of \$3,000,000, subject to the approval of the Director of the Division of Budget and Accounting.

16. Notwithstanding the provisions of any law or regulation to the contrary, there may be transferred from the Worker and Community Right to Know Fund, established pursuant to section 26 of P.L.1983, c.315 (C.34:5A-26), to the General Fund an amount not in excess of \$2,600,000, subject to the approval of the Director of the Division of Budget and Accounting.

17. This act shall take effect immediately.

Approved June 29, 2009.